

## REMARKS

### Status of Prosecution

Claims 1-25 are pending in the present application.

In the Office Action mailed by the Examiner on January 28, 2008 the Examiner rejected claims 1-25 under 35 U.S.C. §103(a), arguing that the claims are obvious over Published U.S. Patent Application 2003/0144929 to Wakamatsu published on July 31, 2003 (“Wakamatsu Application”) in view of U.S. Patent No. 6,282,274 to Jain, *et al.* issued on August 28, 2001 (“Jain Patent”).

On August 20, 2008 Applicants filed a reply to the office action, and included replacement drawing sheets to convert approved but informal figures to formal figures.

On February 17, 2009 the Office mailed a second nonfinal office action conceding that Applicants had overcome the previous claim rejections, but advancing new rejections of claims 1-25 under 35 U.S.C. §103(a), arguing that (1) the claims are obvious over Published U.S. Patent Application 2005/0086138 to Prange published April 21, 2005 (“Prange Application”), and (2) are obvious under 35 U.S.C. §103(a) over the Prange Application in view of Published U.S. Patent Application 2002/0042715 to Kelley published April 11, 2002 (“Kelley Application”).

On August 14, 2009 Applicants filed a response to that office action.

On November 12, 2009 the Examiner filed an office action finding the arguments in the response of August 14, 2009 unpersuasive, and issued a final office action by advancing the arguments set forth in the office action of February 17, 2009.

This paper is in reply to the final office action of November 12, 2009 (“Office Action”).

In view of the arguments of Applicants in this paper, Applicants request that the Examiner withdraw the rejections of the pending claims, and issue a notice of allowance.

### First Rejection under 35 U.S.C §103(a)

In paragraphs 4-6 of the Office Action the Examiner rejected claims 1-25 under 35 U.S.C. §103(a), arguing that the claims are obvious.

35 U.S.C. §103 provides:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

In paragraph 5 of the Office Action the Examiner cites the Prange Application as the Primary Reference for the rejections of claims 1-3, 6-7, 9-13, 16, 18-21 and 24 under 35 U.S.C. §103(a).

In response, Applicant has amended independent claims 1, 10 and 18 to overcome the rejections of the Examiner.

Support for the amendments is found in the original application in at least paragraphs [0002], [0017], [0033], and [0040].

**Second Rejection under 35 U.S.C §103(a)**

In paragraph 6 of the Office Action the Examiner rejected claims 4-5, 8, 14-15, 17, 22-23 and 25 under 35 U.S.C. §103(a), arguing that the claims are obvious over the Prange Application in view of the Kelley Application.

All of the rejected claims are dependent claims.

Applicant believes the bases for rejection of the independent claims have been overcome.

Accordingly, if an independent claim is nonobvious under §103, then any claim depending therefrom is also nonobvious. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

**Conclusion**

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejections because all pending claims in the Application are patentable.

Accordingly, reconsideration and allowance of this application are earnestly solicited. Applicant submits that all pending claims in the application are patentable.

Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: May 10, 2010

By: \_\_\_\_\_

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